

PRESENT

Commissioner Kathy Carter
Commissioner Lynn Bowers
Commissioner Rodney Williams
Commissioner J. W. Bryan
Mayor William I. May, Jr. (5)

ABSENT

None (0)

The Invocation was given by Mayor May. The Pledge of Allegiance was recited.

Mayor May commented about the recent flooding in Frankfort and the City's efforts to correct problems. The Mayor will sign a disaster declaration.

It was moved by Commissioner Williams, seconded by Commissioner Carter, that the reading of the minutes of the August 28, 2006 Regular Meeting; and the September 11, 2006 Work Session be dispensed with and the minutes be approved as presented. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted.

"AN ORDINANCE AMENDING ORDINANCE NO. 23, 2005 SERIES AND ORDINANCE NO. 3, 2004 SERIES, BEING THE ADOPTED SUBDIVISION AND DEVELOPMENT PLAN REGULATIONS FOR FRANKFORT AND FRANKLIN COUNTY, BY AMENDING SECTION 2.07.01 PUBLIC OPEN SPACE REQUIRED AND SECTION 3.07.01 PUBLIC OPEN SPACE REQUIRED IN ITS ENTIRETY" was presented and read. This Ordinance had its first reading on August 28, 2006. It was moved by Commissioner Carter, seconded by Commissioner Bryan, that the Ordinance be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted (Ordinance No. 20, 2006 Series).

"AN ORDINANCE ESTABLISHING STEP-UP PAY" was presented. This Ordinance had its first reading on August 28, 2006. Following discussion, it was moved by Commissioner Bowers, seconded by Commissioner Bryan, to amend the Ordinance to allow additional compensation for employees who temporarily take on additional responsibilities of a vacant position. Following discussion, the question was put upon the motion and the roll called. Voting in favor of the motion was Commissioner Bowers (1). Those voting against the motion were Commissioners Carter, Williams and Bryan, and Mayor May (4). The motion was thereupon defeated. It was moved by Commissioner Bowers to amend the Ordinance that step up pay only apply to exempt employees. Following discussion, the motion failed to receive a second. "AN ORDINANCE ESTABLISHING STEP-UP PAY" was read. This Ordinance had its first reading on August 28, 2006. It was moved by Commissioner Carter, seconded by Commissioner Williams, that the Ordinance be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Williams and Bryan, and Mayor May (4). Voting against the motion was Commissioner Bowers (1). The motion was thereupon adopted (Ordinance No. 21, 2006 Series).

"AN ORDINANCE AMENDING FRANKFORT CODE OF ORDINANCES CHAPTER 40 POLICE AND FIRE DEPARTMENT, SECTION 40.36- SAME- FIRE AND SAFETY INSPECTOR; FIRE TRAINING OFFICER" was presented and read. This Ordinance had its first reading on August 28, 2006. It was moved by Commissioner Carter, seconded by Commissioner Williams, that the Ordinance be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted (Ordinance No. 22, 2006 Series).

"AN ORDINANCE AMENDING FRANKFORT CODE OF ORDINANCES SECTION 115.09 TO PERMIT THE SALE OF ALCOHOLIC BEVERAGES ON NEW YEARS EVE" was presented and read. This Ordinance had its first reading on August 28, 2006. It was moved by Commissioner Carter, seconded by Commissioner Bryan, that the Ordinance be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted (Ordinance No. 23, 2006 Series).

"AN ORDINANCE FIXING THE RATE OF TAXATION FOR THE YEAR 2007 ON ALL MOTOR VEHICLES AND LEVYING SAID TAX FOR ALL CITY PURPOSES" was presented and read. This Ordinance had its first reading on August 28, 2006. It was moved by Commissioner Carter, seconded by Commissioner Bowers, that the Ordinance be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted (Ordinance No. 24, 2006 Series).

"AN ORDINANCE FIXING THE RATE OF TAXATION FOR THE YEAR 2006 ON ALL TANGIBLE PROPERTY SUBJECT TO TAX, TRUST AND INSURANCE COMPANIES, PUBLIC SERVICE COMPANIES AND LEVYING SAID TAX FOR ALL CITY PURPOSES" was presented and read. This Ordinance had its first reading on August 28, 2006. It was moved by Commissioner Bowers, seconded by Commissioner Bryan, that the Ordinance be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted (Ordinance No. 25, 2006 Series).

"AN ORDINANCE AMENDING ORDINANCE NO. 8, 1983 SERIES BY AMENDING THE CITY OF FRANKFORT ZONING ORDINANCE - ARTICLE 4, SECTION 4.01 TABLE OF PERMITTED USES AND SECTION 4.06 NOTED SPECIAL CONDITIONS OF THE CITY OF FRANKFORT'S ZONING ORDINANCE. SPECIFICALLY, THE REQUEST IS TO ADD THE USE OF SELF-STORAGE/MINI-WAREHOUSE AS A CONDITIONAL USE WITHIN THE CL, CG, AND CH DISTRICTS WHEN SPECIFIC CONDITIONS ARE SATISFIED" was presented and read.

"AN ORDINANCE ACCEPTING SONOMA DRIVE, GOODMAN WAY, AND CHARLESTON COURT INTO THE CITY STREET SYSTEM" was presented and read.

"AN ORDER RELATING TO THE FINANCING OF A NEW PUBLIC SAFETY BUILDING" was presented. Following discussion, It was moved by Commissioner Bowers, that the Order be tabled. The motion failed to receive a second. Following discussion, it was moved by Commissioner Williams, seconded by Commissioner Carter, that the Order be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted (Order No. 8, 2006 Series).

"RESOLUTION AUTHORIZING THE CITY OF FRANKFORT TO ACCEPT GRANT FUNDS FROM THE KENTUCKY INFRASTRUCTURE AUTHORITY FOR THE TWO CREEKS PUMP STATION, APPROVING THE GRANT AGREEMENT AND AUTHORIZING THE MAYOR TO SIGN ALL GRANT RELATED DOCUMENTS (SX21073012)" was presented. It was moved by Commissioner Carter, seconded by Commissioner Williams, that the Resolution be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted (Resolution No. 14, 2006 Series).

"RESOLUTION AUTHORIZING THE CITY OF FRANKFORT TO ACCEPT GRANT FUNDS FROM THE KENTUCKY INFRASTRUCTURE AUTHORITY FOR THE CARDINAL HILL PUMP STATION, APPROVING THE GRANT AGREEMENT AND AUTHORIZING THE MAYOR TO

SIGN ALL GRANT RELATED DOCUMENTS (SX21073007)” was presented. It was moved by Commissioner Williams, seconded by Commissioner Bowers, that the Resolution be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted (Resolution No. 15, 2006 Series).

“RESOLUTION AUTHORIZING THE CITY OF FRANKFORT TO ACCEPT GRANT FUNDS FROM THE KENTUCKY INFRASTRUCTURE AUTHORITY FOR THE HOLMES STREET AREA, APPROVING THE GRANT AGREEMENT AND AUTHORIZING THE MAYOR TO SIGN ALL GRANT RELATED DOCUMENTS (SX21073002)” was presented. It was moved by Commissioner Carter, seconded by Commissioner Williams, that the Resolution be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted (Resolution No. 16, 2006 Series).

“RESOLUTION AUTHORIZING THE CITY OF FRANKFORT TO ACCEPT GRANT FUNDS FROM THE KENTUCKY INFRASTRUCTURE AUTHORITY FOR THE ALLNUT DRIVE AREA, APPROVING THE GRANT AGREEMENT AND AUTHORIZING THE MAYOR TO SIGN ALL GRANT RELATED DOCUMENTS (SX21073005)” was presented. It was moved by Commissioner Carter, seconded by Commissioner Williams, that the Resolution be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted (Resolution No. 17, 2006 Series).

“RESOLUTION AUTHORIZING THE CITY OF FRANKFORT TO ACCEPT GRANT FUNDS FROM THE KENTUCKY INFRASTRUCTURE AUTHORITY FOR THE SHELBY STREET AREA, APPROVING THE GRANT AGREEMENT AND AUTHORIZING THE MAYOR TO SIGN ALL GRANT RELATED DOCUMENTS (SX21073004)” was presented. It was moved by Commissioner Carter, seconded by Commissioner Williams, that the Resolution be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted (Resolution No. 18, 2006 Series).

Consent Agenda

The following miscellaneous and personnel items were presented:

- 6.1 Authorized the appointment of Doug Young as City of Frankfort Alcohol Beverage Administrator and Steve Dawson as backup administrator for the City of Frankfort (Finance Department);
- 6.2 Authorized amendment to the Engineering Services Agreement with HMB Engineers for the East Main Outlet Project to extend time frame three additional months; scope of work for additional time includes continued construction administration and resident inspection services; additional cost of \$60,585, with funds provided from 1997 Bond Issue (Public Works);
- 6.3 Authorized purchase of one Dodge Sprinter 2500 Cargo Van to be used for prisoner transport; the purchase to be made under State Contract Master Agreement #C-5418539-7 at the contract price of \$27,775; unit is to be purchased from Freedom Dodge, Lexington, KY; funds available in the Police Department Asset Forfeiture U.S. Justice Account (Police Department);
- 6.4 Authorized bid solicitation for a Dodge Sprinter 3500 Cargo Van; funds available in the Police Department Asset Forfeiture U.S. Justice Account (Police Department);
- 6.5 Authorized the purchase of a 2007 Ford E350 Diesel Cut-Away Van from Man-O-War Ford of Lexington KY in the amount of \$30,647; purchase to be made under State Price Contract #C-05297095; funds available in Account No. 300.68.56550 (Sewer Department);
- 6.6 Authorized an Engineering Agreement with Otis Engineering, LLC for engineering design and bidding services associated with the replacement of the Ford Garage Pump Station; construction support and administration to be negotiated at future date; cost is lump sum fee of \$18,850; funds available in Account No. 450.68.56550 (Sewer Department);
- 6.7 Authorized Amendment #2 to the Continuing Engineering Services Agreement with Quest Engineers, Inc. for additional design and construction administration services for the Allnut Drive Sewer Replacement Project; cost of Amendment #2 is \$19,200, bringing revised contract total to \$61,500; funds are available in Account No. 450.68.56550 (Sewer Department);
- 6.8 Authorized the option to taxpayers of paying their taxes, licenses, permits and other fees by debit card/credit card; city to collect a 2.50% service fee per transaction to cover the city’s cost (Finance Department);
- 6.9 Authorized a contract extension to Strand Associates through September 30, 2009 to continue with the development and implementation of the Combined Sewer Overflow Long Term Control Plan (CSO LTCP) and other CSO related engineering needs; plan mandated by US EPA and the Kentucky Division of Water; cost of agreement to be \$50,000; funds are available in Account No. 450.68.56550 (Sewer Department);
- 6.10 Authorization to purchase 2007 Sutphen 75 ft. mid-mount aerial truck; new vehicle to replace a 1990 75 ft. aerial truck; total price of \$545,910.04, after \$23,485.96 discount; delivery date of September 2007; \$400,000 available in Account No. 100.42.56550, with proceeds from sale of surplus aerial truck to be ear-marked for \$145,910.04 balance due (Fire Department);
- 6.11 Authorized purchase of one 2007 Ford Explorer XLT for use by Police Task Force Officer as duty vehicle; purchase to be made from Countryside Motors, Lawrenceburg, KY. under State Contract Master Agreement #C-0342015806; contract price of \$20,699 to be paid from Asset Forfeiture U.S. Justice Account (Police Department);
- 6.12 Authorized renewal of technical service support agreement with Medtronic Emergency Response Systems, Inc. for providing maintenance and service on eleven LifePak 10 and seven LifePak 12 defibrillator/monitors and eight battery support systems; contract is to expire on 9/2/09 at \$27,453.60 per year and payable in quarterly installments of \$2,287.80; funds budgeted in Account No. 100.41.53250 (Fire Department);
- 6.13 Authorized an agreement with Morgan Keegan to provide financial services in the issuance of General Obligation Bonds to construct the Public Safety Building; amount to be borrowed up to \$10 million; cost of \$35,000 to be paid from General Obligation Bond issue (City Manager);
- 6.14 Authorized an agreement with Stoll, Keenon, Ogden to serve as bond counsel in the issuance of up to \$10 million in General Obligation Bonds to construct the Public Safety Building; cost for these services to be \$35,000 and paid from General Obligation Bond issue (City Manager);
- 6.15 Approved a contract between the City and PlanGraphics, Inc. for Information Technology Strategic Plan Implementation Services; Phase I to be completed by July 2007; cost estimated at \$56,900; funds available in Account No. 100.95.53295, Reserve for Contingency (City Manager);
- 6.16 Approved the following Personnel actions:
 - Appointment of Richard D. Roberts effective 9-26-06 to a Tech II (Sewer Department);
 - Appointment of Ray T. Richardson effective 10-10-06 to Tech II (Street Department);
 - Appointment of Charles S. Shaw effective 10-10-06 to Firefighter I (Fire Department);
 - Appointment of Richard W. Frost effective 10-10-06 to Firefighter I (Fire Department);
 - Appointment of Kenneth A. Barnett effective 10-10-06 to Firefighter I (Fire Department);
 - Appointment of Joshua S. Kyle effective 10-10-06 to Firefighter I (Fire Department);
 - Confirmation of Todd Smither effective 9-27-06 as Patrol Officer I (Police Department);
 - Confirmation of Mark Little effective 9-27-06 as Patrol Officer I (Police Department);
 - Resignation of William B. Hornbeck effective 8-29-06 and authorize payment of all accrued vacation as of effective date (Sanitation).

It was moved by Commissioner Carter, seconded by Commissioner Williams, that the Consent Agenda be approved. All members being present, the motion to approve the consent agenda was adopted without objection.

Board Appointments

It was moved by Commissioner Carter, seconded by Commissioner Bowers, to accept the Mayor’s recommendation to reappoint Michael Dudgeon to the Frankfort Plant Board, for a term ending 9-23-10. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted.

Old Business

Commissioner Bowers recommended the Board consider establishing the position of Assistant City Manager. Without objection, item to be added to October Work Session agenda for discussion. Commissioner Bowers expressed concern about yard sale signs posted on City right-of-way and requested monitoring of this problem. Discussion followed concerning enforcement of the correct placement of signs in City right-of-way. Commissioner Bowers discussed problems experienced by homeowner Mike Greenwell resulting from recent flooding. Mr. Greenwell and Anna Cox explained the situation. Following discussion, staff to meet with Mr. Greenwell and Ms. Cox to discuss the situation further.

Following discussion, it was moved by Commissioner Bowers, that the City request an independent audit of the City’s Finance Department be conducted by the State Auditor’s Office as soon as possible. The motion failed to receive a second. Additional discussion followed.

New Business

Commissioner Bryan recommended the City establish a “rainy day fund” by ordinance to provide a revenue cushion. Brief discussion followed.

Citizen Comments

Diana Looney commented regarding the City’s recently annexed property and the standards applicable to development. Discussion followed concerning the \$150,000 developer incentive.

Commissioner Comments

Commissioner Carter commented regarding the Greenwell’s flooding situation; the Planning Department’s newsletter; the forty-sixth anniversary of Rev. K. L. Moore; the Fire Department’s *Blazing News*; the Capital City Museum’s Christmas ornament project; Carlos Pugh’s close call with Comair Flight 5191; offered sympathy to the Rick Harp family in the loss of their eldest daughter; complimented Public Works, Sewer Department and Frankfort City Police on their hard work over the weekend flooding; recognized Ronnie Dunn on becoming International President of the Optimist Club.

Commissioner Bowers offered comments concerning the Christmas Ornament project for the Capital City Museum being in competition with local civic organizations, particularly Kiwanis. Commissioner Bryan commented concerning the recent *Frankfort State Journal* article on Insurance tax receipts. At the request of Commissioner Williams, Parks Director Steve Brooks explained the Christmas ornament project undertaken in support of the Capital City Museum. Commissioner Williams commended City Staff for their hard work. Additional discussion followed on the Christmas ornament project.

It was moved by Commissioner Bowers, seconded by Commissioner Carter, that the meeting adjourn. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted, and the meeting adjourned at 7:48 p.m.

Mayor

Attest:

City Clerk